

## **Qualified Support for BLM-California State Office Grant Request**

Pending clarifications and changes discussed herein, we write in respectful opposition to the BLM-California State Office request for OHV Division grant for air quality monitoring in the Western Mojave Desert region.

The purported aims of the request are laudable and we support them; the underlying stated agenda, however, is not. From our review of the project description, the BLM is requesting taxpayer money to fund scientific research regarding the impact OHV activity has upon air quality. However, beneath the proposed testing activity lie unscientific assumptions about what the data will demonstrate and how the data will be used. In short, we question the genuineness of the BLM's commitment to air quality compliance. The agency's stated planning objectives (I. a and b) are inconsistent with the project relationship to OHV recreation activity on desert lands (B. Support to OHV). The BLM, in this request, and under the guise of scientific objectivity, is setting out to prove what it wishes to be the case.

Consider:

First, the request cites the importance of gathering "needed information in the ongoing discussion/debate regarding the role of OHV use on BLM lands and their influence on air quality standards." We affirm the value of this goal. The struggle over competing interests in public lands use should unfold upon a foundation of solid facts. Claims made by environmental activists, off-road advocates, and government agencies have value only when they are defensible on the basis of hard data. Such data demands a credible procedure (including credible technologies) for developing evidence.

The BLM project description then reiterates the criticality of "empirical information." The critical nature of this as-yet undiscovered evidence is related to establishing a needed informational baseline (Planning Objectives, I. a), presumably for assessing deviations from set standards. We concede the importance of this objective also.

Thus, as indicated above, the aims of the request are laudable: solid scientific data in pursuit of (a) an answer to how, if at all, OHV activity affects air quality, and (b) the establishment of baseline findings as an assessment tool. We agree that, in order to determine the opening or closure of trails, in order to gather scientific data, in order to accurately determine the impact off-road vehicles are having upon air quality standards, the BLM needs credible testing results.

How will it do this? The grant description indicates that the agency will identify air monitoring stations, establish the juxtaposition of same in open areas, review data trends, and, finally, evaluate sensitivity of receptors to OHV generated pollutants.

Then come the text statements which clearly undermine the entire request (B. a): “This information will be critical **in defending BLM decisions when challenged by groups opposing OHV use** [emphasis mine].” “Empirical information can be used to support BLM decisions regarding open vs. closed areas and route designation...” Our question: how can the BLM determine ahead of time that the data gathered can be used to defend its decisions? What if its decisions are flawed? What if the data prove this?

Furthermore, why would the information be “critical” as countervailing evidence when no air monitoring test results yet exist? Has the BLM, in a brazen reversal of scientific method, reached a conclusion before conducting the experiment?

We read further: “...this information will be critical for enhancing and sustaining OHV use in the Mojave Desert.” We pose, in this instance, a similar question: how can the BLM know that the best use of taxpayer dollars evidence gathered will enhance and sustain OHV use when the evidence has not yet been gathered?

Reading further, grant project description discloses the underlying purpose: enhanced OHV “opportunities” and empirical data useful to defend against BLM critics. Contrary to this approach, we urge, first get the evidence, then make sensible decisions on how to allocate resources based upon the findings.

In essence, the authors of this request for taxpayer monies have adopted the following positions:

1. Paragraph (B)(a) skirts dangerously along the edge of unethical and possibly *illegal* bias. The authors have stated that the study’s purpose is to defend BLM decisions, not to determine if BLM decisions are correct, or to guide the BLM in future decisions, or to determine if past decisions are correct. This purpose requires that **the study’s conclusions are pre-determined.**
2. Furthermore, BLM’s multiple use policy **does not favor specific activities.** And yet the description text reads, “In the long term, this information [referring to air quality monitoring] will be critical for sustaining and enhancing OHV use in the Mojave Desert.” BLM’s fundamental management objectives, as iterated in FLMPA, are to “prevent undue or unnecessary degradation” of public lands. To the extent that OHV use causes unacceptable air pollution, the BLM must engage in prevention.
3. The BLM’s stated need for the study is to defend itself against anti-OHV groups. But the BLM is not charged with this activity. It should neither support them nor defend against them. And it certainly should not support OHV activities (but note the subtitle to Paragraph (B), “Support to OHV.”)
4. The BLM states that it needs the study to promote OHV use. But the BLM is not charged with promoting OHV use.

In consideration of the foregoing, we cannot, at this stage, support the request; however, several clarifications and additions could, in our view, resurrect this proposal. We offer the following suggestions:

- We recommend choosing an unbiased third-party contractor to conduct the monitoring studies.
- We recommend full disclosure (not just to the OHV Commission) of all test results on a regular basis (for example, three-month intervals would seem reasonable). The results should be made available on the BLM-Barstow website and at the OHMVR website.
- We recommend that the very nature of this request raises questions regarding the tenacity with which BLM has monitored environmental impact in the past. Accordingly, we ask for (1) a full accounting of all currently operational air monitoring quality stations; (2) a full description of the technologies involved and the procedures/personnel accessing those technologies; and (3) comprehensive reporting on past data generated at these monitoring stations, as well as subsequent action[s] taken by the BLM in response.

Legal and practical issues aside, we find the tone, language, and subtext of this request to be disturbingly antagonistic to those who oppose *illegal* off-road abuse. The text states, at (B)(a), “This information will be critical in defending BLM decisions when challenged by groups opposing OHV use.” The undersigned do not and have not “oppos[ed] OHV use.” We strongly support responsible recreation, including responsible OHV riding. We also support responsible stewardship of taxpayer dollars and legal authority by government agencies. The BLM should be responsible in making its decisions on the basis of credible scientific evidence, validly obtained, with a view toward the health and safety of visitors to its lands.

In conclusion, we believe that the use of taxpayer derived OHV funds to promote OHV use, by generating a pre-decisional “study,” is unethical, inappropriate, and far afield of the BLM’s assigned mission to prevent the degradation of public lands. Approval of this request as currently written would place the administration of the entire OHV grant process in jeopardy.

We genuinely hope that the BLM, in response to its recent litigation loss, has not lapsed from inattention to intransigence. BLM managers and personnel should be as judicious in the stewardship of taxpayer dollars as we expect them to be in their guardianship of public lands.

Without the fundamental changes listed above, we oppose this request.

Sincerely,

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